HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 19436 of 2000

Dated 20th June, 2007.

Between

P.Kesavulu Reddy

…Petitioner

and

The Revenue Divisional Officer, Chittoor, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 19436 of 2000

ORDER:

In this Writ Petition, the petitioner has questioned the instructions in proceedings Roc.No.338/2000, dated 25-9-2000 issued by the Mandal Revenue Officer, S.R.Puram, Chittor District to the Sub Inspector of Police, S.R.Puram to give police protection to the fourth respondent for harvesting ground nut crop raised in an extent of Ac.2.90 cents covered by Sy.No.117/1 and 117/2B of No.49 Kothapalli village in S.R.Puram.

The order dated 25-9-2000 is questioned on the ground that the second respondent-Mandal Revenue Officer is not having jurisdiction when the dispute is pending adjudication before the competent Civil Court with regard to very same land.

Two suits in O.S.Nos. 234 of 1994 and 131 of 1997 were filed on the file of the learned Principal District Munsiff, Puttur against the petitioner seeking permanent injunction in respect of the subject land and they were dismissed.

In view of the factual disputes, it is not for the second respondent to order to provide police protection to protect possession of the land in question. While it is open for the aggrieved party to seek appropriate directions from the Civil Court, the second respondent is not having any jurisdiction to issue directions as issued in the impugned order. In that view of the matter, the order under challenge is set aside.

The Writ Petition is allowed. It is made clear that it is left open for the aggrieved party to seek appropriate directions from the civil Court. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 20-6-2007.
Msnr.